

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

BOROUGH OF EDGEWATER,

*Plaintiff,*

v.

WATERSIDE CONSTRUCTION, LLC; 38 COAH, LLC; DAIBES BROTHERS, INC.; NORTH RIVER MEWS ASSOCIATES, LLC; FRED A. DAIBES; TERMS ENVIRONMENTAL SERVICES, INC.; ALCOA INC. (formerly known as "Aluminum Company of America"); ALCOA DOMESTIC LLC, as successor in interest to A.P. NEW JERSEY, INC.; JOHN DOES 1-100; and ABC CORPORATIONS 1-100,

*Defendants,*

and

WATERSIDE CONSTRUCTION, LLC; 38 COAH, LLC; DAIBES BROTHERS, INC.; NORTH RIVER MEWS ASSOCIATES, LLC; and FRED A. DAIBES,

*Defendants/Third-Party Plaintiffs,*

v.

NEGLIA ENGINEERING ASSOCIATES,

*Third-Party Defendant,*

and

ALCOA DOMESTIC LLC, as successor in interest to A.P. NEW JERSEY, INC.,

*Defendant/Third-Party Plaintiff.*

Civil Action No. 14-5060

**ORDER**

v.

COUNTY OF BERGEN and RIVER ROAD  
IMPROVEMENT PHASE II, INC.,

*Third-Party Defendants.*

**John Michael Vazquez, U.S.D.J.**

This matter comes before the Court on Defendant/Third-Party Plaintiff Alcoa Domestic LLC's ("Alcoa") motion for partial judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). Defendant North River Mews Associates, LLC ("North River"), and Third-Party Defendant River Road Improvement Phase II, Inc. ("RRIP") (collectively "Defendants") oppose this motion. The Court held oral argument on September 13, 2016 pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Civil Rule 78.1. D.E. 172 (Transcript of Oral Argument). The Court has considered all submissions as well as the parties' oral arguments. For the reasons set forth in the Court's Opinion accompanying this Order, and for good cause shown,

**IT IS** on the 14th day of December, 2016

**ORDERED** that Alcoa's motion for partial judgment on the pleadings is **DENIED**.



John Michael Vazquez, U.S.D.J.